

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

QUENTIN JONES,)	
)	
Petitioner,)	
vs.)	NO. CIV-15-1237-HE
)	
JASON BRYANT, Warden,)	
)	
Respondent.)	

ORDER

Petitioner Quentin Jones (“Jones”), a state prisoner appearing *pro se*, brought this action pursuant to 28 U.S.C. § 2254 seeking a writ of habeas corpus. Jones applied for leave to proceed *in forma pauperis*. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Shon T. Erwin, who recommends the application be denied and that this case be dismissed unless Jones pays the \$5.00 filing fee in full. Jones filed an objection to the Report and Recommendation. Having conducted *de novo* review, the court concludes the Report and Recommendation should be adopted.

Jones objects to the Report and Recommendation on the basis he did not have sufficient funds to pay the filing fee when he sought disbursement from his prison draw account on November 16, 2015. However, based on the average deposit amounts and monthly balances reported for the six full months included in his draw account statement, Jones has (or will have within the next month) sufficient funds to pay the \$5.00 filing fee.

Accordingly, the Report and Recommendation [Doc. No. 5] is **ADOPTED** as follows. Plaintiff’s Application for Leave to Proceed In Forma Pauperis [Doc. No. 2] is **DENIED**.

Plaintiff is directed to pay the full \$5.00 filing fee within **twenty (20) days** from entry of this order. Absent such payment, this case will be dismissed.

IT IS SO ORDERED.

Dated this 6th day of April, 2016.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE